

## Congressional Closeup by Carl Osgood

### Senate GOP Defeats Dem Amendments on Iraq

Senate Democrats failed, on July 16, to use the defense appropriations bill as a platform for forcing the Bush Administration to be more forthcoming about its plans in Iraq. The GOP defeated, by near party-line votes, a series of Democratic amendments that, if passed, would have forced the Administration to report on everything from its budget, to operations, to the use of intelligence to justify the war.

The Democratic attack began with an amendment by Byron Dorgan (N.D.) that would have forced the Administration to request funding for operations in Iraq and Afghanistan, which was tabled by a vote of 53 to 41. Appropriations Committee Chairman Ted Stevens (R-Ak.) pointed out that any such submission would be inaccurate, "because the operational situation could change repeatedly during any time in the future."

The next three amendments concerned reporting one or another aspect of operations in Iraq, including the detention of enemy combatants, the monthly costs of operations, and the strategy for the reconstruction of Iraq. The final amendment, sponsored by Jon Corzine (D-N.J.) would have established a National Commission on the Development and Use of Intelligence related to Iraq. Corzine told the Senate that without a thorough examination of the conflict between the Bush Administration's statements about Iraq and what has been found there, the American population and U.S. foreign partners "will most certainly lose confidence in the Administration's intelligence analysis, if not their word."

The following day, Stevens finally relented on an amendment by Robert Byrd (D-W.V.), expressing the sense of the Senate that the Administration should submit a request for additional

funds for operations in Iraq. Stevens expressed no opposition to the amendment because it has no teeth, despite the fact that it calls for a policy that, he said, "is contrary to the tradition of the United States." Byrd charged that the Administration strategy is to force the Congress to make difficult choices with little information, by deploying forces and getting the "funding hook in the nose of Congress" by putting troops in the field, then going to war and spending the money. "And insist that Congress move promptly to approve the funding again, after it has been spent and more is needed to replenish accounts," he added.

### Durbin Charges White House With Intimidation

Sen. Richard Durbin (D-Ill.) took to the floor of the Senate on July 22, to defend himself against charges that he disclosed classified information on the floor of the Senate. He allegedly made the disclosures during a floor speech on July 17, where he made reference to the testimony of CIA Director George Tenet to a closed hearing of the Senate Intelligence Committee the previous day. During that earlier speech, in which he did not name names, Durbin demanded to know who the people were, in the White House, who were so determined to include in President Bush's State of the Union address the misleading information about Iraq's supposed attempts to buy uranium ore.

The White House response was to publicly state that Durbin's remarks were "nonsense," and to put out the line that he had disclosed classified information and should be kicked off the Intelligence Committee. Besides denying the charges, Durbin warned that "if any member of this Senate, Demo-

crat or Republican, takes to the floor, questions this White House policy, raises any questions about the gathering of intelligence information, or the use of it, be prepared for the worst. This White House is going to turn and attack you." Durbin further charged, on the basis of an Op-Ed by *New York Times* columnist Paul Krugman, that someone in the Administration had probably committed a criminal act, by leaking to GOP columnist Robert Novak, that the wife of retired Ambassador Joseph Wilson, the man sent to Niger by the CIA to investigate the uranium story, is, in fact, a covert operative with the CIA.

### Battle Rages Over Judicial Nominees

The partisan fight in the Senate over judicial nominations found a new battlefield on July 7, when the Democrats objected to a GOP motion by Majority Leader Bill Frist (Tenn.) to discharge from committee consideration five Michigan nominees to the Sixth Circuit Court of Appeals. Frist, speaking on the floor of the Senate on July 16, reported that the Michigan Attorney General would be presenting petitions with thousands of signatures to the Senate leadership that afternoon, calling on the Senate to move the nominees. He called the delay of the five nominees "inexcusable," and said that "that is why I took the rare but not unprecedented action" of seeking to discharge the nominations. He warned that the failure to fill vacancies on the Sixth Circuit was making it difficult for prosecutors to dispose of cases.

Unlike the cases of the nominees that are facing or threatened with filibuster, in this case the Democratic obstruction appears to have very little to

do with the qualifications or ideological leanings of the nominees. Among the documents that Frist inserted into the record was a letter from White House counsel Alberto Gonzalez to addressed to Michigan's two Democratic Senators, Carl Levin and Debbie Stabenow, wherein he noted that they were objecting to consideration of any Michigan nominees to protest the fact that two Clinton Administration Michigan nominees did not receive hearings. Frist called that "unreasonable" and said that their effort "to block nominations at the outset of a Presidential term is unheard of."

Stabenow immediately took the floor to answer Frist's charges. She reminded the Senate that the Republican-controlled Senate routinely blocked consideration of President Clinton's nominees, but that the Democrats were working for a bipartisan solution to the problem. Instead, they face a partisan assault by the GOP on the issue. "It is important who is on the bench," she said. "This is not the President's prerogative alone, nor any individual senator."

## **A** Amendment on U.S.A. Patriot Act blocked

Rep. Bernie Sanders (I-Vt.) was blocked, on July 22, from offering an amendment to the Commerce, Justice, State, and the Judiciary Appropriations bill, but not before he had succeeded in greatly lengthening the debate. The amendment would have blocked the Justice Department and FBI from demanding the records of libraries and bookstores without probable cause, a power that they now have under the so-called U.S.A. Patriot Act passed in the weeks after the Sept. 11, 2001 attacks. Sanders complained that

he was prevented from offering his amendment because the floor schedule was changed at the last minute with very little, if any, prior notification. Furthermore, when the schedule was changed, Rep. Frank Wolf (R-Va.), the Republican manager of the bill, and Rep. David Obey (D-Wisc.) entered into a unanimous consent agreement limiting the number of amendments to be considered, again, with little or no notification.

Sanders' strategy was to try to get Wolf to break the agreement between him and Obey, so as to allow more amendments. "What is disturbing me very much," he told the House, "is the possibility that this important issue, and both sides of the issue, will not be allowed to be debated." Sanders offered two motions that the House rise, both of which were voted down by large majorities, and Dennis Kucinich (D-Ohio) offered another, also rejected, that stretched the debate until after 10 p.m., without a final vote on the bill. Obey, while sympathetic to Sanders' amendment, said, "I do not believe that it is fair to hold the House hostage because" Sanders "drew an amendment that was not in order."

## **P** Police Summoned To Suppress House Dissent

The methods by which the Republicans control debate in the House of Representatives were put on display, in a new way, on July 18, when Ways and Means Committee Chairman Bill Thomas (R-Calif.) took the extraordinary step of calling the Capitol Police to remove the Democratic members of the committee from a room in which they were meeting. The brouhaha started during a committee meeting to mark up a bill on pension reform, when

Thomas brought up a substitute amendment that had only been made available to the Democratic members of the committee at midnight the night before. The Democrats left the room to meet in an adjoining room to discuss what to do, leaving only Rep. Pete Stark (D-Calif.) to object to any unanimous consent effort to move the bill in the absence of the Democrats.

After the Democrats left, Thomas asked for unanimous consent to dispense with the reading of the bill, a normally perfunctory motion, and gavelled it in order before Stark could object, leading to some sort of verbal confrontation between Stark and some of the Republicans in the room, including Scott McInnis (R-Colo.). Perhaps unknown to Stark and many others in the room, Thomas had already told his chief of staff to call the Capitol Police to remove the rest of the Democrats meeting in the adjoining room. The police decided they did not want anything to do with it.

The ruckus in the Ways and Means Committee dominated the House floor that afternoon, when Minority Leader Nancy Pelosi (D-Calif.) brought a privileged resolution to the floor condemning Thomas' conduct. Democrat after Democrat got up on the floor to denounce the lack of respect for the rights of the minority party by the GOP, and to express their outrage at having the police called on them. Rep. John Lewis (D-Ga.), a veteran of the 1960s Civil Rights movement, declared, "We will not be intimidated. We will not be immobilized. We live in a democracy and not a police state." The Republicans, for their part, defended Thomas' actions, but did not disagree, in substance, with the Democrats' account of what transpired. They did, however, prevail over Pelosi's resolution by a vote of 170 to 143.